IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7433 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BS VYAS & 4 - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR NK MAJMUDAR for Petitioner(s) : 1, 3,NOTICE UNSERVED for Petitioner(s) : 2,4 - 5.
Mr. DIPEN DESAI, Asst. GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/04/2007

ORAL JUDGMENT

By way of this Special Civil Application under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate

writ, order or direction quashing and setting aside the action of the respondents in not giving pay-scale of Rs. 650-1200 [revised to Rs. 2200-4000] to the petitioners. It is the contention on behalf of the petitioners that there is an anomaly in the pay-scale and therefore the present Special Civil Application has been filed.

2. Today when the matter is called out, Shri Dipen Desai, learned AGP has produced one communication dated 17th April 2007 addressed by the Section Officer of the Finance Department to him that the dispute with regard to anomaly in the pay-scale in question was referred to the Anomaly Committee whose report which was submitted was sent to the Sub-Committee and the Sub-Committee has also submitted its report and the same is under consideration by the State Government. It is further submitted that now the State Government has to take a final decision with regard to the impugned anomaly in the pay-scale.

3. In the similar set of circumstances when dispute with regard to anomaly in the pay-scale in other department was pending with the State Government and the State Government was considering the report of the Anomaly Committee as well as the Sub-Committee, this Court has directed the State Government to take appropriate decision in accordance with law and on merits. Under the circumstances, the State Government is directed to consider the report submitted by the Anomaly Committee as well as the Sub-Committee and take appropriate decision with regard to dispute of pay anomaly which has been raised in the present Special Civil Application as early as possible but not later than three months from the date of receipt of this order. The State Government to communicate the outcome of the said decision to the petitioner within a period of two weeks of such decision. The State Government and/or the concerned Department is directed to strictly comply with the above direction. It is,

however, made clear that this Court has not expressed any opinion on merits in favour of either parties. If any adverse decision is taken, it will be open for the petitioners to challenge the same by way of appropriate proceeding. With this observation and direction, the present Special Civil Application is disposed of. Rule is discharged. No costs. Direct service is permitted.

[M.R. Shah, J.]

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